

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CURTIS McDANIEL, :  
: **ORDER**  
Plaintiff, :  
: 19-CV-3526 (JPO) (JLC)  
- against - :  
: CITY OF NEW YORK, *et al.*, :  
: Defendants. :  
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**JAMES L. COTT, United States Magistrate Judge.**

On September 21, 2020, *pro se* plaintiff filed his second amended complaint.

By order dated October 7, 2020, Judge Oetken dismissed certain defendants named in the complaint who were immune from this lawsuit and directed the Clerk of Court to amend the complaint to properly name the defendant City of New York. Dkt. No. 50. Accordingly, the second amended complaint is now ready to be served on the newly added defendants.

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)). To allow Plaintiff to effect service on Officers Gregory Welch, Daniel Howell, Patrick Fanning, Kenneth Faulkner, Bobby Wilkins, Thomas Williams (the “Defendant Officers”) and Howard Leader through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process

Receipt and Return form (“USM-285 form”) for each of these defendants. The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon these defendants.

The addresses for each of these defendants (except for Officer Thomas William) are attached to the end of this Order. With respect to defendant Officer William, the *pro se* plaintiff does not provide an address at which to serve him. Accordingly, the New York City Law Department, which is the attorney for and agent of the NYPD and DOC, is directed to ascertain the badge number of Officer William and the address where that defendant may be served.<sup>1</sup> The Law Department should provide this information to Plaintiff and the Court by **November 9, 2020**, at which time the Court will direct service of the second amended complaint on Officer William through the U.S Marshals.

Finally, in light of the City’s August 14, 2020 letter informing the Court that they will not make any decisions as to their representation of the Defendant Officers until after each has been served, the Court hereby extends the deadline by which the City and Quilty must respond to the second amended complaint to **no later than 60 days** after the service of the second amended complaint on the

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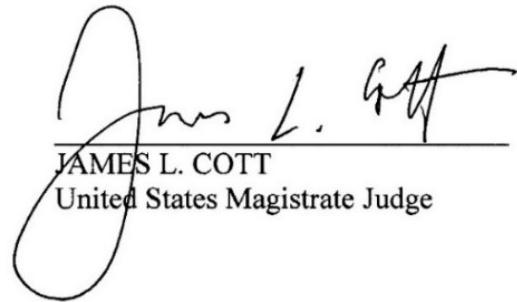
<sup>1</sup> If Officer William is a current or former DOC employee or official, the Law Department should note in the response to this order that an electronic request for a waiver of service can be made under the e-service agreement for cases involving DOC defendants, rather than by personal service at a DOC facility. If Officer William is not a current or former DOC employee or official, but otherwise works or worked at a DOC facility, the Law Department must provide an address where the individual may be served.

Defendant Officers. This approach will provide the City with the time needed to make representation decisions as to the Defendant Officers and to file one consolidated response on behalf of all parties it chooses to represent (rather than potentially submitting several pleadings piecemeal).

After the parties respond to the second amended complaint, the Court will issue an order scheduling an initial conference by telephone to discuss both the timing and scope of discovery and the possibility of settlement.

**SO ORDERED.**

Dated: October 9, 2020  
New York, New York



JAMES L. COTT  
United States Magistrate Judge

**A copy of this Order has been mailed to:**

Curtis McDaniel  
NYSID: 00474252R  
B&C No. 3491901551  
Bare Hill C.F.  
Caller Box 20  
181 Brand Rd.  
Malone, NY 12953

**DEFENDANTS AND SERVICE ADDRESSES**

1. Officer Gregory Welch, Shield No. 7382  
New York City Police Department  
Emergency Service Unit  
Floyd Bennett Field  
Brooklyn, NY 11234
2. Police Officer Daniel Howell, Shield No. 7279  
New York City Police Department  
32nd Detective Squad  
250 West 135th Street  
New York, NY 10030
3. Police Officer Kenneth Faulkner, Shield No. 4612  
New York City Police Department  
Bronx Robbery Squad  
1086 Simpson Street  
Bronx, NY 10459
4. Officer Patrick Fanning, Shield No. 8581  
New York City Police Department Emergency Service Unit  
Floyd Bennett Field  
Brooklyn, NY 11234
5. Officer Bobby Wilkins, Shield No. 19409  
New York City Police Department  
Emergency Service Unit  
Floyd Bennett Field  
Brooklyn, NY 11234
6. Howard Leader  
11-11 Park Place  
New York, NY 10007